THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.25064 OF 2001

Date: 13th October 2006

Between:
M.V.Krishnaiah, s/o Somaiah,
Proprietor of Sri Venkateswara
Weighing Machina Corporation,
aged 56years, resident of H.No.13-125,
Kakarlavari Street, Nellore Town,
Nellore.

…. Petitioner.

And

1. The Controller of Legal Metrology,
   Government of Andhra Pradesh,
   Hyderabad and 2 others.

…. Respondents.

* * *

ORDER:

This writ petition is directed against the proceedings in Memo No.5996/L1/2001 dated 30.7.2001 of the Controller, Legal Metrology, Hyderabad, wherein the representation filed by the petitioner seeking permission to undertake repairing work by himself in any of the areas of licence held by him if the skilled worker therein is not available for any reason, was rejected.

2. The case of the petitioner is that he has license under the Andhra Pradesh Weights and Measures (Enforcement) Act, 1985. For Gudur, Nellore, Kavali he has category-I licence and in

Nellore-2 he has category-II licence also. It is his case that whenever any skilled worker is not available either in Gudur, Nellore, Kavali or Nellore-2, he may be permitted to attend the repairs as required. In this regard he made representation dated 19.4.2001 to the respondents. Instead of considering the representation in the right spirit, the respondents have construed something else and rejected his representation.

3. In the representation dated 19.4.2001 the petitioner asserted that under the name and style M/s. Sri Venkateswara Weighing Machines Corporation, he is possessing heavy and light skilled worker's certificate and he himself being skilled worker and owner he is entitled to carry on repairing works when any of his skilled workers either in Gudur, Nellore, Kavali or Nellore-2 is not available. According to the petitioner his application was misconstrued and his request to undertake repairs with one skilled worker in Nellore, Gudur and Kavali was rejected. This view taken by the authorities in the impugned memo seems to be not correct. The request of the petitioner is to permit him to attend repair works at other places having jurisdiction whenever a skilled worker is absent or not available for any reasons.

4. In view of the above, the impugned order is set aside and the petitioner is directed to file a fresh representation and on filing such representation, the respondents shall consider the same as per law and dispose of it within a period of four weeks thereafter.

5. With the above observation, the writ petition is disposed of.

No costs.

C.V.RAMULU, J.

Date: 13th October 2006.
BSB